

The plaintiff's theory is that the defendant was negligent and that his negligence caused damage to the plaintiff. It is the plaintiff's theory that the defendant Tessema was acting as the agent of Dani Trucking, LLC. It is the plaintiff's theory that the defendant Sami Abebe

was responsible for supervising and training the defendant Tessema and that he was negligent in that regard.

2) DEFENDANTS ASCHALEW H. TESSMA, DANI TRUCKING, LLC AND SAMI ABEBE'S THEORY: Mr. Tessema was the owner of the 2004 Freightliner tractor that he was driving, in a generally westbound direction on Interstate 40, when the trailer he was pulling was struck from the rear by the vehicle operated by the plaintiff, Shawn David Banzhoff. These defendants deny any and all liability to the plaintiffs and assert that the sole proximate cause of any injuries or damages sustained by the plaintiffs resulted from the negligence and negligence per se of Mr. Banzhoff. Mr. Banzhoff was negligent in that he failed to operate the vehicle he was driving a reasonably prudent manner, failed to exercise care and caution for the safety of others, failed to keep a proper lookout for other vehicles on the roadway, failed to maintain control of his vehicle, failed to exercise reasonable care and struck the rear of the tractor trailer operated by Mr. Tessema, which was lawfully traveling west on Interstate 40 at the time and place referenced in the complaint. In the event that Mr. Banzhoff's comparative fault does not constitute a complete bar to recovery from these defendants, the doctrine of comparative fault is applicable, and should reduce the plaintiffs' recovery accordingly. It is admitted that Mr. Tessema was operating the 2004 Freightliner on the business of Dani Trucking, LLC, but it is denied that Dani Trucking, LLC was Mr. Tessema's employer or the owner of said vehicle. Defendant, Sami Abebe, asserts that there is no legal basis for asserting individual liability against him, for the alleged negligence of Mr. Tessema or Dani Trucking, LLC.

C. ISSUES RESOLVED: Jurisdiction and venue.

D. ISSUES STILL IN DISPUTE: Liability and damages.

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to FED. R. CIV. P. 26(a)(1)(B) on or before April 13, 2015.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before July 31, 2015. Discovery is not stayed during dispositive motions, unless ordered by the court. No motions concerning discovery are to be filed until after the parties have conferred in good faith. Discovery motions are to be filed in accordance with the practice of the magistrate judge who will resolve any dispute(s).

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before July 31, 2015.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before August 24, 2015. The defendant shall identify and disclose all expert witnesses and reports on or before September 24, 2015. Rebuttal experts, if any, shall be identified and disclosed (along with expert reports) on or before September 30, 2015. Treating physicians shall not be considered Rule 26 experts for which a Rule 26 expert report is required. However, plaintiffs shall disclose the identity of any treating physician whose testimony will be offered at trial on or before August 24, 2015 and plaintiff's medical proof depositions shall be completed on or before December 16, 2015.

I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before November 17, 2015.

J. JOINT MEDIATION REPORTS: The parties shall file a joint mediation report on or before November 30, 2015.

K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before October 30, 2015. Responses to dispositive motions shall be filed within twenty-

one (21) days after the filing of the motion. Briefs shall not exceed twenty (20) pages. Optional replies may be filed within fourteen (14) days after the filing of the response and shall not exceed five (5) pages.

L. ELECTRONIC DISCOVERY: The parties have reached agreements on how to conduct electronic discovery. Therefore, the default standard contained in Administrative Order No. 174 need not apply to this case.

M. TRIAL DATE AND ESTIMATED TRIAL TIME: Jury trial is set to begin on March 15, 2016, at 9:00 a.m. A pretrial conference shall be held on February 22, 2016, at 2:30 p.m. before Judge Sharp. Trial is expected to take 3 days. It is so ORDERED.


s/John S. Bryant

JOHN S. BRYANT

United States Magistrate Judge

APPROVED FOR ENTRY:

LAW OFFICE OF JON E. JONES

By: /s Patrick Shea Callahan
Patrick Shea Callahan, BPR #29086
Attorney for the Plaintiffs
P.O. Box 699
Cookeville, TN 38503-0699
Telephone (931) 372-8771
Facsimile (931) 372-8992
e-mail: sheacallahan@gmail.com

CORNELIUS & COLLINS, LLP

By: /s/ Daniel P. Berexa
Daniel P. Berexa, BPR #15158
Peter C. Robison, BPR #27498
Attorneys for Defendants Dani Trucking, LLC
and Aschalew H. Tessema
Nashville City Center, Suite 1500
P.O. Box 1905695
Nashville, TN 37219
Telephone (615) 244-1440
Facsimile (615) 254-9477
e-mail: dpberexa@cornelius-collins.com
e-mail: pcrobison@cornelius-collins.com